

Application No. 10/516,796
In Response to Office Action dated June 4, 2007
Paper dated November 5, 2007
Attorney Docket No. 3985-045798

AMENDMENTS TO THE DRAWINGS

The attached new drawing sheet adds an additional figure, Fig. 6, which shows a knee-ankle-foot orthosis.

Attachments: New Drawing Sheet

REMARKS

Claims 9-14 remain in this application. Claim 9 has been amended while the remaining claims are unchanged. New claims 15 and 16 have been added. Claim 15 includes a limitation taken from claim 10 and claim 16 includes the freely rotating hinge feature illustrated in the figures. No new subject matter is believed to have been added by this Amendment.

On page 2 of the Office Action, the Examiner objects to the drawings under 37 CFR §1.83(a) as not showing the “knee-ankle-foot orthosis”. Fig. 6 has been added and text describing Fig. 6 has been added in the specification after line 27 on page 4. Support for these additions is found in the disclosure discussed with respect to Figs. 1-5 and through claim 14.

On page 3 of the Office Action, the Examiner objects to the abstract because it contains claim language. The abstract has been amended to eliminate claim language.

On pages 3 and 4 of the Office Action, the Examiner rejects claim 9 under 35 U.S.C. §112 for being indefinite. In particular, the Examiner identifies phrases that render the claim indefinite. Each of the phrases listed by the Examiner on page 3 of the Office Action has been removed from claim 9.

On page 4 of the Office Action, the Examiner rejects claims 9-12 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Patent No. 6,203,511 to Johnson, et al. (hereinafter the “Johnson patent”). The Johnson patent is directed to an orthotic joint and method wherein, as illustrated in Fig. 1, a first elongated member 12 is attached to an elongated clevis member 14 through two pivoting joints. A threaded bushing 26 extending through a first disc 16 and a second disc 18 secured to a cover plate 20 allows free rotation about the threaded bushing 26, while a threaded fastener 64 secures a lower portion 59’ of the elongated clevis member 14 to the upper clevis portion 60’ for rotation in a separate direction. The first disk 16 and the second disk 18 have internal circular grooves through which pin 22 extends to limit rotation of these disks relative to one another. Additionally, the lower portion 59’ and the upper clevis portion 60’ are rotationally fixed

relative to one another by interlocking complimentary tooth surfaces. Claim 9, on the other hand, is directed to a orthopedic device having a joint rotationally restrained through a bounding means which is specified as a flexible, tensively strong element connected to divisible rings. There is neither a teaching nor a suggestion of such a feature in the Johnson patent and therefore claim 9 is believed to be patentably distinct over the prior art of record. By way of their dependence upon what is believed to be patentably distinct independent claim 9, dependent claims 10-12 are themselves believed to be patentably distinct over the teaching of the Johnson patent and the other prior art of record.

Furthermore, with respect to the Johnson patent, lower portion 59' and the upper clevis portion 60' have complementary tooth surfaces 62 held together by the threaded fastener 64, such that, as stated in column 4, lines 57-61 of the Johnson patent, this structure permits elongated portion 58 to be angled inwardly or outwardly, as required, to properly fit the upper limb of a patient. This second joint is intended purely for adjustment associated with fitting the device onto a patient. It is not freely rotatable nor was it ever intended to provide free rotation during use. New claim 16 has been added and is similar to amended claim 9 but directed to a device having a hinge means with two freely rotating hinges, wherein each hinge has a pivot axis. The respective pivot axes extend in directions which make an angle with each other of $90^\circ \pm 40^\circ$ and, each hinge freely rotates about its respective pivot axis. Figs. 2 and 3 of the subject application illustrate the benefits of such pivoting action, whereby, as applied to a knee joint, the leg is permitted to freely rotate along two separate axes for maximum mobility. This feature is neither taught nor suggested by the Johnson patent and, for that reason, claim 16 is believed to be patentably distinct over the teaching of the Johnson patent and the prior art of record.

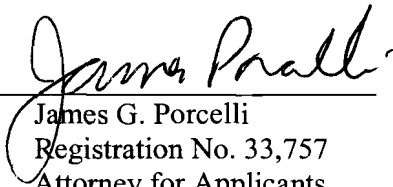
On page 5 of the Office Action, the Examiner rejects claim 13 under 35 U.S.C. §103(a) as being obvious from the teaching of the Johnson patent. By way of its dependence upon what is believed to be patentably distinct independent claim 9, dependent claim 13 is itself believed to be patentably distinct over the prior art of record.

The Applicants have reviewed the references cited by the Examiner on pages 5 and 6 of the Office Action and believe that the currently pending claims are patentably distinct over this prior art of record.

New Fig. 6 has been added illustrating the knee-ankle-foot orthosis found in claim 14. Support for this is found not only in claim 13, but in the orthosis description found and described in Figs. 1-5.

Reconsideration of claims 9-14 and allowance of claims 9-16 are respectfully requested.

Respectfully submitted
THE WEBB LAW FIRM

By 
James G. Porcelli
Registration No. 33,757
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com